



MUNICIPALITY OF THE DISTRICT OF WEST HANTS
Planning Advisory Committee
June 18, 2015 6:30 p.m.
Sanford Council Chambers

PRESENT: Councillor Jennifer Daniels, Vice Chair
Warden Richard Dauphinee
Deputy Warden Gary Cochrane
Councillor Randy Matheson
Councillor Victor Swinamer
Councillor Tom Brown
Ms. Tanya Leopold, Citizen Member
Mr. John Smith, Citizen Member

STAFF: Karen Dempsey, Director of Planning
Jeanne Bourque, Planner
Velma Macumber, Admin. Assistant

REGRETS: Councillor Shirley Pineo, Chair, Municipal business

ABSENT: Councillor Reed Allen

GUESTS: Robert Lee, Quick as A Wink Theatre Society
Mark Wainman, Quick as A Wink Theatre Society

PUBLIC: Three members of the public were present.

**PUBLIC INFORMATION SESSION – PROPOSED DEVELOPMENT AGREEMENT
– QUICK AS A WINK THEATRE SOCIETY**

Ms. Dempsey welcomed the members of the public. She advised that this is a public information session, and the PAC meeting will not begin until after the session is over. The purpose of the information session is to give an opportunity for property owners within 300 ft. of the proposed development proposal to voice any comments or concerns about the proposal. Ms. Dempsey advised that Ms. Bourque will be describing the development proposal in general terms and will then entertain discussion. After the public information session is completed then the PAC meeting will begin where Ms. Bourque will review policies in the Municipal Planning Strategy that the proposal has to satisfy as well as the Land Use By-law requirements. Ms.



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Dempsey advised that a draft development agreement is not attached to the report, as part of the purpose of the public information session is to provide staff with input that can influence the writing of the development agreement. Ms. Dempsey advised that after Ms. Bourque's review of the staff report to PAC, there will be another opportunity for the public to ask questions or make comments as well. Ms. Dempsey turned the meeting over to Ms. Bourque.

Ms. Bourque welcomed members of the public and Quick As A Wink Theatre Society representatives. She advised that this is an informal session and she will give a brief overview of the development proposal, then the floor will be opened up for discussion.

Ms. Bourque briefly reviewed the staff report outlining the application received from Quick As A Wink Theatre Society for a development agreement to permit a community theatre on Wentworth Road in the Hamlet of Wentworth Creek. Members of the public expressed concerns and had questions with respect to the following:

- Capacity of a privately owned sewer line that connects into the Town of Windsor sewer system. It was clarified, after some discussion, that the property owners, which now include the applicant, are responsible for maintaining their portion of the piped sewer system. Quick As A Wink will speak with their fellow owners when the time comes to make connection to this line. Any agreements that the owners have for maintenance and upgrading is a private matter between the owners and the municipality has no jurisdiction.
- Entrance to driveway and increased volume of traffic. As outlined in the staff report, Wentworth Road is a provincial highway, and NSTIR have approved a commercial access for a 200 seat theatre at the location where the driveway to the storage building is now being built.
- Lighting on the buildings will be controlled with a clause in the development agreement so that it does not negatively impact adjacent residential uses, and screening to provide a visual buffer will be required.

Ms. Bourque emphasized that a development agreement is a legal contract registered on the land that endures long after the building is constructed. The



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public will be able to bring any concerns to the municipal Development Officer who oversees the agreement and conducts annual inspections. Through the mechanism of the Development Agreement the municipality is able to ensure that the developer continues to meet all of the stipulations in the agreement.

The public information session adjourned at 7:10.

Vice Chair Daniels called the PAC meeting to order at 7:10 p.m. She advised that Chair Pineo had sent regrets that she would not be attending the meeting tonight. Chair Pineo was attending the Library Board's Annual General meeting.

APPROVAL OF AGENDA & ADDITIONS

Moved by Councillor Matheson and Warden Dauphinee that the agenda be approved as circulated.

Motion carried.

Ms. Dempsey asked that the item under New Business, Application for Development Agreement – Quick As A Wink Theatre Society be moved to the top of the agenda. The Committee agreed.

APPROVAL OF MINUTES OF APRIL 16, 2015

Moved by Warden Dauphinee and Deputy Warden Cochrane that the minutes of April 16, 2015 be approved as circulated noting any errors or omissions.

Motion carried.

NEW BUSINESS

Application for Development Agreement – Quick As A Wink Theatre Society

Ms. Bourque reviewed the staff report for the proposed development agreement from Quick As A Wink Theatre Society for a community theatre. She advised that



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the draft development agreement will be prepared addressing any comments received from the public information session.

Ms. Bourque advised that the subject property is located on Wentworth Road and exists as two separate properties. Quick As A Wink has purchased one of the properties on Wentworth Road, and they have an agreement with Perry and Michelle Lowe to purchase the back portion of their property. If the development agreement goes through the back portion of the Lowe property will be subdivided and added to the other property. In order to build the storage building for the theatre, the Lowes applied for a building permit for a residential storage building. If the development agreement is not approved by Council, the Lowes will retain the storage building on their property.

Policy 13.1.2 is the main policy that allows Council to consider new institutional uses by development agreement in any designation subject to criteria for servicing, architectural capability, safe and efficient road access, on-site parking, adequacy of open space, landscaping, separation distances, compatibility of adjacent uses, and noise and traffic generation.

The development fronts on Wentworth Road which is an arterial road, and Wentworth Road has direct access to Highway 14 which is also an arterial road.

Ms. Bourque advised that before building permit is issued for the theatre, approvals must be submitted along with the application from the Municipality for water services, and the Town of Windsor for sewer services. A privately owned sewer line runs about 400 feet from the Town boundary line up Wentworth Road and crosses the subject property. This sewer line connects into the Town of Windsor sewer system, and the property owners, including the applicant, are responsible to operate and maintain their portion of the piped system. This development is capable of being serviced by both central sewer and water, and the details of capability will be confirmed before construction of the theatre.

Ms. Bourque advised that the parking requirements of Section 5.30 of the LUB specify that the development has to provide one parking space for every five seats. The development agreement will require that most of the parking will be located behind the main building and accessible parking near the entrance for people with disabilities. The proposed theatre will require 40 parking spaces for 200 seats.



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Ms. Bourque advised that lighting, the minimum building setback from adjacent property lines, and screening will be dealt with in the development agreement.

Ms. Bourque advised that Policy 16.3.1 is the General Policy that is considered as well for all Land Use By-law amendments and development agreements.

Ms. Bourque advised that West Hants Director of Public Works stated that providing municipal water services in this area would not be an issue, and the Director of Public Works for the Town of Windsor agreed that the provision of water and sewer services would not be an issue. There will be no impact on school facilities. The development agreement will require that the fire services with jurisdiction for this area be consulted to ensure that sufficient fire flow can be accommodated for the specific building design and construction method, as well as ensuring that the driveway provides adequate emergency access.

All of the roads leading to the development are owned and maintained by NS Transportation and Infrastructure Renewal (NSTIR). It is anticipated that traffic flow will increase on Wentworth Road. NSTIR has given approval for the commercial driveway access.

Ms. Bourque advised that staff are not aware of any environmental conditions that would affect the suitability of the property for the proposed development. The development agreement will require that the applicants are responsible to obtain any other permits or approvals.

Ms. Bourque advised that there are no immediate anticipated costs to the Municipality related to this development agreement application.

Ms. Bourque advised that the draft development agreement would be sent to the municipal solicitor for review. Once comments are received from the solicitor, the draft would be sent to PAC members before it goes to Council. It is anticipated that the public hearing could be held at the August 11, 2015 Council meeting.

Ms. Bourque advised that the staff report reviewed the proposal against the relevant MPS policies and the LUB requirements, and Planning Staff feel the proposal reasonably carries out the intent of the MPS and does not conflict with the



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LUB. Therefore, staff recommend that the application be approved, pending legal review of the draft development agreement.

Moved by Warden Dauphinee and Councillor Swinamer to recommend that Council approve the application of Quick As A Wink Theatre Society to enter into a Development Agreement to allow a community theatre on Wentworth Road in the Hamlet of Wentworth Creek (PID 45391869).

Motion carried.

Moved by Warden Dauphinee and Councillor Swinamer to recommend that Council require that the Development Agreement with Quick As A Wink Theatre Society be signed within 120 days from the date of final approval by council or the date that any appeals have been disposed of; otherwise, this approval will be void and obligations arising hereunder shall be at an end.

Motion carried.

Quick As A Wink representatives left the meeting at 7:30 p.m.

BUSINESS ARISING FROM MINUTES

Update - Forest Lakes Country Club Resort – amendments to Master Plan Development Agreement

Ms. Dempsey updated the Committee that staff has prepared the draft development agreement, and it is now before the solicitors for legal review. The Department of Environment approval is still pending. Ms. Dempsey stated she was hopeful that the approval will be in place by the end of June, and that the draft development agreement will come forward to the July Council meeting.



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Falmouth Growth Centre Zoning Map – Housekeeping correction

Ms. Dempsey advised that the Notice of Approval was published in the Hants Journal on June 18, 2015 and the appeal period expires on July 2, 2015. If no appeals are received by NSUARB, the new agricultural zoning will become effective.

**NS Planning Directors Association 2015 Annual Spring Conference –
“Planning for One Nova Scotia” - May 28-29, 2015**

Ms. Bourque advised that she attended the Understanding the Risk Management Workshop. The workshop was geared towards climate change with respect to flooding and municipal liability. Ms. Bourque stated she found it very informative, and the take away “nugget” from solicitor Peter Rogers was the advice “Don’t let the liability tail wag the policy dog.”

Councillor Daniels advised that she presented a report to Council on this on June 9, 2015. She advised that she attended the “Stepping Up” Session and found it very interesting.

Ms. Dempsey stated the conference had an excellent attendance. The message she came away with is, if Nova Scotia wants to survive and grow and retain their youth, and maintain the economy it has to adapt to change, and do things differently.

BUILDING AND DEVELOPMENT ACTIVITY REPORTS

Monthly Reports of April and May 2015

Moved by Warden Dauphinee and Councillor Swinamer that the Building and Development Activity Reports for the months of April and May 2015 be received.

Motion carried.

Ms. Dempsey pointed out that the building statistics for April and May 2015 were higher in number and value than those processed the same time last year.



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**Application for Development Agreement – Quick As A Wink Theatre Society
cont'd**

Moved by Warden Dauphinee and Councillor Swinamer to receive the staff report prepared by Jeanne Bourque, Planner, dated June 18, 2015 re Quick As A Wink Theatre Society - Development Agreement for a community theatre on Wentworth Road, Wentworth Creek .

MISCELLANEOUS

Update – Heritage Property Registration for “Greenwood”

Ms. Dempsey advised that “Greenwood” is now officially a designated Municipal Heritage Property, and the ordering of the heritage plaque is in progress.

Ms. Bourque noted that on July 1, 2015 when Hantsport joins West Hants, West Hants will then have the train station which is a federal heritage property. This is the first federal heritage property for West Hants.

NOTICES FROM ADJACENT MUNICIPAL UNITS

Municipality of Kings and Chester

Moved by Warden Dauphinee and Councillor Brown to receive the notice from Cindy L. Benedict, Planning Support Clerk, Planning Services, Municipality of the County of Kings, dated June 3, 2015, regarding a Notice of Public Hearing – proposed Land Use By-law text and map amendments and; and notice from Bill DeGrace, Senior Planner, Municipality of Chester, dated June 3, 2015, regarding a Notice of Approval of a Development Agreement between Richburg LP Management Inc., and the Municipality of Chester.

Motion carried.



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QUESTIONS & COMMENTS FROM PUBLIC

No questions or comments were heard from members of the public who were present.

Ms. Dempsey asked the Committee for comments with respect to the public information session being held before the PAC meeting.

Warden Dauphinee stated he found the public information session worked out well, and was valuable to working out any issues.

Councillor Swinamer commented that it was a great idea and it was very respectful to the adjacent property owners.

Ms. Dempsey advised that PAC members are not required to attend the public information session, but could attend if they wanted.

Councillor Swinamer stated he felt that PAC members should be present for the public information session.

ADJOURNMENT

Moved by Warden Dauphinee and Councillor Swinamer that the meeting adjourn.

Motion carried.

The meeting adjourned at 7:52 p.m.

Chair